

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF LOREN BARRETT

I, Loren Ashley Barrett, state and affirm as follows:

1. I make this declaration in support of Cook Inletkeeper's Motion to Intervene in the above-captioned litigation. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.
2. I have a BA in Creative Writing and a BA in Environmental Studies from the University of Montana, and an MA in International Development and Social Change from Clark University. Prior to pursuing my Masters, I served two years in the Peace Corps in Guyana as an education volunteer. After returning to the U.S. and attaining my degree, I worked as the Executive Director at the Gardiner Chamber of Commerce in Gardiner, Montana then relocated to Alaska with my family. I spent four years working

as the Development Director for Kachemak Bay Broadcasting Inc. in Homer, Alaska before joining the Cook Inletkeeper team.

3. I am a member of Cook Inletkeeper and have worked as Co-Executive Director, Development Lead for Cook Inletkeeper since February 2024. As the Co-Executive Director, Development Lead my primary responsibilities are fundraising, philanthropic engagement, and grant development, as well as overseeing the creation and implementation of a fundraising plan to raise funds to achieve Cook Inletkeeper's mission. I share responsibilities with my co-director to guide the organization in developing strategic plans, work plans, and budgets; promote advocacy directives; communicate with our board of directors; and represent the organization in public spaces and comments/testimony.

4. Cook Inletkeeper is a 501(c)(3) nonprofit organization. Cook Inletkeeper's mission is to protect Alaska's Cook Inlet watershed and the life it sustains. We are based in Homer, Alaska, with a satellite office in Soldotna, Alaska.

5. Cook Inletkeeper has 1,200 dues-paying members and over 8,500 supporters who have taken action in support of Cook Inletkeeper and its efforts to protect clean water and healthy salmon habitat. Most members reside in the Cook Inlet region and use its waters for recreation, such as boating, wildlife viewing, fishing and hunting, and for occupational pursuits such as commercial and subsistence fishing.

6. Some of Cook Inletkeeper's overarching goals are to grow support for clean water and strong local economies, and protect healthy habitats in a changing climate. These goals would be directly impacted by the Pebble Mine. Specifically, Cook Inletkeeper's program goals related to the proposed Pebble Mine are to stop the Pebble Mine and to protect lower Cook Inlet from the impacts from a subsea natural gas pipeline and an export terminal.

7. To achieve these goals, Cook Inletkeeper has held science panels, organized rallies, educated citizens and decision makers, submitted comments, joined litigation, produced economic and other reports, and used social and traditional media to oppose the proposed Pebble Mine.

8. Cook Inletkeeper has campaigned against the proposed Pebble Mine since 2003, when it was the first conservation group to meet with Northern Dynasty about the project. It then created the Cook Inlet Alliance to press the Homer Electric Association to divest from its plans to power Pebble. Cook Inletkeeper has been actively involved in opposing Pebble Mine since then.

9. Cook Inletkeeper has produced videos, podcasts, blogs, newsletter articles, Letters to the Editor, and conducted outreach to Alaskans at events throughout the year in opposition to the proposed Pebble Mine.

10. Cook Inletkeeper participated in the Environmental Protection Agency's (EPA) and Army Corps of Engineers' commenting process regarding Pebble Mine. Cook

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Inletkeeper continues to amplify the Bristol Bay Tribes' call for permanent protections through the Alaska legislature.

11. Cook Inletkeeper works to protect fish and wildlife in the Cook Inlet watershed. This work would be negatively impacted by the proposed Pebble Mine due to its impacts on brown bears and other wildlife. Cook Inlet is truly a global phenomena when it comes to bears. Lower Cook Inlet boasts the highest concentration of brown bears in the world, and Pebble's infrastructure would fall squarely in the middle of some of their most vital habitat, cleaving a path between Katmai National Park and the McNeil State Game Refuge to the south, and Lake Clark National Park to the north. Human activities such as road construction and commercial, residential, recreational and industrial developments are known to alter brown bear habitat. If the Pebble Mine were permitted, seventy-five miles of road and various port infrastructure would be constructed in known areas of high brown bear concentration. This would adversely impact denning habitat, feeding habitat, and travel corridors.

12. Other Cook Inlet wildlife would also be harmed by the transportation corridor were Pebble Mine to be permitted, including the southwestern population segment of northern sea otters (which are listed under the Marine Mammal Protection Act and the Endangered Species Act) and beluga whales (listed as endangered under the Endangered Species Act). The proposed transportation corridor would disturb designated critical habitat for the southwestern population of northern sea otters and for beluga

whales. The pipeline would disturb benthos, including shellfish and scallop beds, which are important food sources for otters. There is also potential for harm to the otters from boat strikes, contamination, and sedimentation. Belugas would be harmed by boat strikes, noise disturbance, and potential natural gas, diesel, and concentrate spills. Cook Inletkeeper's longstanding efforts to protect these species would be undermined if the proposed Pebble Mine were permitted.

13. Our Co-Executive Director Quentin Simeon has deep family ties to the Bristol Bay region and our Science Director Sue Mauger has conducted field work, including habitat assessments and water temperature monitoring across the Bristol Bay region. Sue coordinated the Bristol Bay Regional Water Temperature Monitoring Network from 2015–2019 and is currently working with fisheries biologists to understand how Bristol Bay's freshwater temperatures are changing and impacting salmon productivity and growth.

14. Protecting Bristol Bay, and by extension Alaska's water and fish resources, is incredibly important to me as an individual, an Alaskan, and a mother. My family moved to Alaska in 2019, drawn by our deep roots in the fishing and ecotourism industry. Choosing Homer as our home was an easy decision. The economy of the Kenai Peninsula relies heavily on activities like sport fishing, outdoor recreation, and ecotourism, all centered around salmon. To ensure a food-secure, resilient, and prosperous community for my young children, it's crucial that Bristol Bay remains untouched. I'm deeply

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concerned about the potential ecological, social, and economic impacts of losing the last fully intact wild salmon run in the world. Alaskan sockeye salmon are a staple in our diet, sustaining not just my family but also our neighbors. They directly support fisheries-related jobs and indirectly contribute to the economy through ecotourism, especially in the Cook Inlet region. The construction and operation of Pebble Mine could endanger these salmon populations due to habitat destruction, increased sedimentation, and potential toxic runoff into waterways. A threat to Bristol Bay's fisheries could have ripple effects throughout the region that would reverberate through many generations.

15. Bristol Bay fisheries support local economies, families, and communities in the Cook Inlet region. Cook Inletkeeper works to guarantee lasting jobs and strong local economies, and Bristol Bay salmon are key to both goals. Pebble Mine poses an existential threat to Bristol Bay salmon. The proposed mine site poses serious long-term risks itself, in addition to the likelihood that surrounding claims will be developed, which will start to unravel the ecological fabric of the watershed. These impacts to the Bristol Bay watershed and the salmon it supports would have commensurate impacts on the Cook Inlet economy and community. EPA's Final Determination protects Bristol Bay from large-scale mining, such as Pebble Mine, that would cause such irreparable harm. The relief that Plaintiffs seek—vacating the Final Determination—would potentially allow large-scale, harmful mining activities, such as the proposed Pebble Mine, to

proceed in the future. This would harm Cook Inletkeeper's mission and our members' interests in protecting the Bristol Bay watershed and fisheries.

16. Cook Inletkeeper and its members are not adequately represented by EPA in this lawsuit. For over twenty years, Cook Inletkeeper has worked to protect Bristol Bay from the proposed Pebble Mine. While we support EPA's Final Determination, we can only be sure that our interests are protected by participating in the lawsuit as a party. EPA has changed course before, as in 2017 when it abruptly withdrew its Proposed Determination after a change in administration. Agency leadership could change again during the pendency of this lawsuit, especially in light of the upcoming November 2024 election. Only by intervening and gaining the rights of a party can Cook Inletkeeper be sure that its interests and those of its members are protected.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1 day of May 2024 in Homer, Alaska.



Loren Barrett

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